



**U.S. Army Corps
of Engineers**

Pittsburgh District

Public Notice

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 2007-1152

Date: February 15, 2008

Notice No. 08-12

Closing Date: March 5, 2008

After the Fact

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (13 U.S.C. 1344).

2. APPLICANT: Terry Briceland
2285 Depot Road
Salem, OH 44460

3. LOCATION: Unnamed tributary of Stone Mill Run just South of East Pidgeon Road (S.R. 45) between intersections of Depot Road and South Lincoln Avenue located South of Salem in Columbiana County, Ohio.

4. PURPOSE AND DESCRIPTION OF WORK: The applicant has enclosed approximately 763 feet of an unnamed tributary of Stone Mill Run inside two culvert pipes across the length of his property and neighboring property. One pipe is a 15 inch diameter and the other is an 18 inch diameter pipe and both run parallel. They transverse the applicants property and extend onto the adjacent property where they turn 90 degrees to the North and flow underneath East Pidgeon Road. There are catch basins positioned throughout. The purpose of the stream relocation and enclosure is to gain usable property that is anticipated to be used to construct storage buildings. Mitigation has not been developed, but opportunities for mitigation are being investigated within the same watershed. A drawing of the stream is attached to this notice.

5. OHIO WATER QUALITY CERTIFICATION: A permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)
Section 401 Coordinator
P.O. Box 1049
Columbus, OH 43266-0149
Tel. # 614-644-2001

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the

overall public interest of the proposed activity.

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Tyler Bintrim, at the above address, by telephoning 412-395-7115 or by email at tyler.j.bintrim@usace.army.mil. Please refer to CELRP-OP-F 2007-1152 in all responses.

FOR THE DISTRICT ENGINEER:

/SIGNED/

Scott A. Hans
Chief, Regulatory Branch



Salem Quad

Image © 2003 TerraMetrics
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Streaming 100%

Point: 40°50'13.55" N 122°55'40.00" W elev 1860 ft

April 18 2003

Briceland
5 Depot rd.
em OH, 44460

Vacant Land

2 of 2



E. Pidgeon rd./st. Rt. 45

DRIVE WAY

300'

63'

400'

593'

Terry Briceland

Greenisen

Plan View

■ - Pipes

■ - Catch Basin